

DETAILED ACTION

Prosecution History Summary

Claims 10-19, 24, and 29-30 have been canceled.

Claims 31-32 have been added per the amendment below.

Claims 1-9, 20-23, 25-28, and 31-32 are allowable as set forth below.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Greg O'Bradovich on March 10, 2008.

The application has been amended as follows:

In the Title

The title has been amended as follows:

--Method and storage medium for obtaining an offer for a sale of a product or a service--

In the Claims

1. (Currently Amended) A method for obtaining an offer for a sale of a desired product or service using electronic devices, comprising:

identifying the desired product or service for a single purchase transaction;

iteratively transmitting a first signal including a first data message using a mobile transceiver device, the first data message having information relating to the desired product or service, the first signal being transmitted to product or service providers within a broadcast range of the mobile transceiver device regardless of identities of the product or service providers and abilities of the product or service providers to provide the desired product or service;

receiving the first signal having the first data message and determining whether at least one of the product or service providers has the desired product or service available for sale;

wherein iteratively transmitting the first signal further comprises cycling through multiple digital communication protocols to iteratively transmit the first signal;

transmitting a second signal including a second data message to the mobile transceiver device, the second data message containing an offer to sell the desired product or service;

receiving a plurality of additional offers to sell the desired product or service from a plurality of vendors prior to a completion of the single purchase transaction;

organizing the offer to sell the desired product or service and the plurality of additional offers to sell the desired product or service on a screen of the mobile transceiver device prior to a completion of the single purchase transaction; and

deleting a subset of the offer to sell the desired product or service and the plurality of additional offers to sell the desired product or service in response to the subset failing to meet a desired criterion prior to a completion of the single purchase transaction.

20. (Currently Amended) A storage medium encoded with machine-readable computer program code for obtaining an offer for a sale of a desired product or service, the storage medium including instructions for causing at least one device operatively associated with a system to implement a method comprising:

identifying the desired product or service for a single purchase transaction;

iteratively transmitting a first signal including a first data message using a mobile transceiver device, the first data message having information relating to the desired product or service, the first signal being transmitted to product or service providers within a broadcast range of the mobile transceiver device regardless of identities of the product or service providers and abilities of the product or service providers to provide the desired product or service;

receiving the first signal having the first data message and determining whether at least one of the product or service providers has the desired product or service available for sale; ~~and~~

wherein iteratively transmitting the first signal further comprises cycling through multiple digital communication protocols to iteratively transmit the first signal;

transmitting a second signal including a second data message to the mobile transceiver device, the second data message containing an offer to sell the desired product or service;

receiving a plurality of additional offers to sell the desired product or service from a plurality of vendors prior to a completion of the single purchase transaction;

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organizing the offer to sell the desired product or service and the plurality of additional offers to sell the desired product or service on a screen of the mobile transceiver device prior to a completion of the single purchase transaction; and

deleting a subset of the offer to sell the desired product or service and the plurality of additional offers to sell the desired product or service in response to the subset failing to meet a desired criterion prior to a completion of the single purchase transaction.

25. (Previously Presented) The method of ~~Claim 29~~ claim 1 further comprising cycling through multiple communication protocols to transmit the second signal.

Claims 29-30 (canceled).

31. (New) The method of claim 1, wherein the multiple digital protocols include CDMA, TDMA, and GSM.

32. (New) The storage medium of claim 20, wherein the multiple digital protocols include CDMA, TDMA, and GSM.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

Upon review of the evidence at hand, it is hereby concluded that the evidence obtained and made of record, alone or in combination, neither anticipates, reasonably teaches, nor renders obvious the below noted features of applicant's invention as the noted features amount to more than a predictable use of elements in the prior art. The allowable features are as follows:

Regarding claims 1 and 20, the prior art fail to teach or render obvious wherein iteratively transmitting the first signal further comprises cycling through multiple digital communication protocols to iteratively transmit the first signal.

Pertinent in Applicant's claims is the requirement of an iterative transmission by a transceiver device, the transmission being broadcasted to a number of providers. The iteration allows for the transmission to reach providers that may or may not be using differing digital protocols. In other words, with each iteration of the transmission, the transceiver cycles from one digital protocol to the next in order to insure that providers operating on varying protocols may receive the transmission.

In this regard, the most felicitous prior art made of record includes Forslund (US 6250557), Moskowitz (US 20040015403), and Nanni (US 6389269). Forslund teaches a user mobile device such as a mobile phone complete with "a smart card wallet" facilitating secure shopping transactions made via the phone (see at least: abstract, col. 2 lines 51-64). As the user enters a shopping mall, the smart card wallet broadcasts a list of items to be purchased along with associated discount information with the "broadcasting" done in order to retrieve a list of

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stores and the items they offer in accordance with the transmitted list. Forslund also teaches transmitting a second signal including a second data message to the mobile transceiver device, the second data message containing an offer to sell the desired product or service by displaying the stores and their respective offerings to allow a user to select the best stores to make purchases from (see at least: col. 8 line 54-col. 9 line 6, claims 1 and 10). Though Forslund teaches all of the above, Forslund does not teach where the first message is iteratively transmitted to the product or service providers, nor does Forslund teach wherein iteratively transmitting the first signal further comprises cycling through multiple digital communication protocols to iteratively transmit the first signal.

In the same field of endeavor, Moskowitz teaches a Bluetooth enabled portable device having browser to exchange data with a merchants within range of the device (see at least: abstract; 0004). More particularly, both the customer's wireless device and the merchant's wireless device periodically, and thereby iteratively, transmits a short-range identity signal (see at least: 0004, Fig. 3 (#302)). Thereby, Moskowitz teaches where a first data message is iteratively transmitted to the product or service providers within range of the device.

The combination, however, fails to teach or render obvious where transmitting the first signal further comprises cycling through multiple digital communication protocols to iteratively transmit the first signal.

Along the same lines, Nanni teaches a method and apparatus for transmitting signals in multi-frequency, multi-mode environments (see at least: abstract, col. 1 lines 6-8). More specifically, Nanni teaches the use of multi-band/multi-mode devices allowing users to operate the device within multiple system standards (see at least: col. 1 lines 14-18 and 29-36, col. 3

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lines 42-63, col. 4 lines 22-28). A key feature in Nanni is the support of varying types of transmission technologies or “protocols” as well as the ability to switch frequency bands and transmission modes as needed. Merely switching the frequency band a device operates in, however, is not analogous to cycling through multiple digital protocols as the bands themselves do not necessarily constitute a different protocol. Similarly, switching from a digital mode to analog mode again does not represent cycling through multiple digital protocols.

Furthermore, though Nanni discusses mobile devices with the capability of operating in multiple systems using multiple standards (including multiple digital protocols such as CDMA, GSM, etc.), this does not equate to a transceiver device that actively cycles through multiple protocols. The Examiner asserts that switching from one protocol to the next is fundamentally different from iteratively cycling through protocols to transmit a signal. More specifically, the act of switching (i.e. changing) frequencies in response to some outer stimulus is distinct from actively cycling between protocols to iteratively transmit a signal. Nanni teaches a device that has the ability to operate under different protocols and changes the operating protocol in response to the signal being received rather than actively cycling amongst protocols by a transceiver device.

Along these same lines, newly cited references Auckland (US 20020183013) and PTO form 892 reference V disclose similar aspects to the above but fail to teach or render obvious the claimed invention. Auckland teaches a base station that may instruct a radio device to move to a different frequency band or may specify a completely different air interface standard than is currently in use (such as a switch from CDMA at 800 MHz to GSM at 1900 MHz) (see at least:

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0149). Again, it becomes clear that Auckland teaches nothing more than switching protocols in response to an outer stimulus rather than the active cycling as required by the claimed invention.

PTO 892 reference V, then, teaches a device similar to Nanni by providing a device that automatically switches from a satellite to a digital signal, and may interchange between digital protocols in response to the surrounding network. As with Auckland and Nanni, switching protocols is not equivalent to cycling through multiple protocols.

In addition to the above, the Examiner emphasizes the interrelation of the above distinguishing elements with the remainder of each respective claim element, and further notes that it is that interrelation that truly distinguishes Applicant's invention from the evidence at hand. Moreover, none of the evidence at hand teaches or suggests the combination of features claimed, nor does there exist an appropriate rationale for further modification of the evidence at hand.

It is hereby asserted by the Examiner that, in light of the above and in further deliberation over all of the evidence at hand, that the claims are allowable as the evidence at hand does not anticipate the claims and does not render obvious any further modification of the references to a person of ordinary skill in the art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. PTO 892 W discusses performance trade offs in CDMA devices but fails to teach or render obvious the above noted limitations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM J. ALLEN whose telephone number is (571)272-1443. The examiner can normally be reached on 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Primary Examiner, Art Unit 3625

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